

PA-IDC

QUERY CONTROL FORM		RTIS USE ONLY	
Application No. <u>09/507,968</u>	Prepared by <u>NPB</u>	Tracking Number <u>05905914</u>	
Examiner-GAU <u>Kemmerer-1647</u>	Date <u>8/24/04</u>	Week Date <u>02/16/04</u>	
	No. of queries <u>3</u>	<u>1PW (E)</u>	

JACKET			
a. Serial No.	f. Foreign Priority	k. Print Claim(s)	p. PTO-1449
b. Applicant(s)	g. Disclaimer	l. Print Fig.	q. PTOL-85b
c. Continuing Data	h. Microfiche Appendix	m. Searched Column	r. Abstract
d. PCT	i. Title	n. PTO-270/328	s. Sheets/Figs
e. Domestic Priority	j. Claims Allowed	o. PTO-892	t. Other

SPECIFICATION	MESSAGE
a. Page Missing	<p>① Original claim 343 (now claim 198) depends from a canceled original claim 342. please advise/correct claim dependency.</p> <p>② Original claim 310 (now claim 178) is shown as allowed in the index of claim, but not shown as allowed in NOA (Notice of Allowability). Please verify if claim 310 is allowed. If so, please supply new NOA showing original claim 310 as allowed.</p> <p>③ Original claim 430 (now claim 129 in the index of claim) is shown as allowed in NOA and index but missing from specification. please advise/supply.</p>
b. Text Continuity	
c. Holes through Data	
d. Other Missing Text	
e. Illegible Text	
f. Duplicate Text	
g. Brief Description	
h. Sequence Listing	
i. Appendix	
j. Amendments	
k. Other	
<p>CLAIMS</p> <p>a. Claim(s) Missing</p> <p>b. Improper Dependency</p> <p>c. Duplicate Numbers</p> <p>d. Incorrect Numbering</p> <p>e. Index Disagrees</p> <p>f. Punctuation</p> <p>g. Amendments</p> <p>h. Bracketing</p> <p>i. Missing Text</p> <p>j. Duplicate Text</p> <p>k. Other</p>	
<p>RESPONSE</p> <p>initials <u>am</u></p> <p>initials</p>	

¹⁹²
~~336.~~ The protein of claim ~~335~~¹⁹¹ wherein said label is a radiolabel selected from the group consisting of:

- (a) ¹³¹I;
- (b) ¹²⁵I;
- (c) ¹²¹I;
- (d) ¹¹²In; and
- (e) ^{99m}Tc.

¹⁹³
~~337.~~ The protein of claim ~~324~~¹⁸⁸ wherein the protein is cytotoxic to Neutrokine- α receptor bearing cells.

¹⁹⁴
~~338.~~ The protein of claim ~~324~~¹⁸⁸ bound to a solid support.

¹⁹⁵
~~339.~~ A composition comprising the protein of claim ~~324~~¹⁸⁸ and a carrier.

¹⁹⁶
~~340.~~ A protein produced by a method comprising:
(a) expressing the protein of claim ~~324~~¹⁸⁸ by a cell; and
(b) recovering the protein.

¹⁹⁷
~~341.~~ (Amended) An isolated protein comprising an amino acid sequence of at least 30 contiguous amino acid residues of the polypeptide encoded by the cDNA clone contained in ATCC Deposit Number 97768 wherein said protein modulates leukocyte proliferation, differentiation or survival.

~~342 (Cancelled)~~

¹⁹⁸
~~343.~~ The protein of claim 342 which comprises an amino acid sequence of at least 50 contiguous amino acid residues of the polypeptide encoded by the cDNA clone contained in ATCC Deposit Number 97768.

~~344. The protein of claim 344 wherein the protein modulates leukocyte proliferation.~~

174
304.

¹⁶⁶
The protein of claim ~~290~~ bound to a solid support.

175
305.

¹⁶⁶
A composition comprising the protein of claim ~~290~~ and a carrier.

176
306.

¹⁶⁶
A protein produced by a method comprising:

- (a) expressing the protein of claim ~~290~~ by a cell; and
- (b) recovering the protein.

177
307.

(Amended) An isolated protein consisting of a first amino acid sequence that is 95% or more identical to a second amino acid sequence consisting of the amino acid sequence of an amino-terminal deletion protein mutant of the full-length protein encoded by the cDNA clone contained in ATCC Deposit Number 97768, wherein said amino-terminal deletion protein mutant excludes up to 133 amino acid residues from the amino terminus of said full-length protein encoded by the cDNA clone contained in ATCC Deposit Number 97768, and wherein said protein modulates leukocyte proliferation, differentiation or survival.

~~308.~~

~~The protein of claim 307 wherein the protein modulates leukocyte proliferation.~~

~~309.~~

~~The protein of claim 308 wherein the leukocyte is a lymphocyte.~~

178
310.

¹⁷⁷
The protein of claim ~~307~~ wherein the protein stimulates leukocyte proliferation.

~~311.~~

~~The protein of claim 310 wherein the leukocyte is a lymphocyte.~~

312.

The protein of claim 307 wherein the protein modulates leukocyte differentiation.

~~313.~~

~~The protein of claim 312 wherein the leukocyte is a lymphocyte.~~

Not shown
as allowed
in NOA.
please verify.

~~218~~ 218 A Neutrokin- α multimer comprising the protein of claim ~~124~~ 124. 70

~~219~~ 219 A Neutrokin- α multimer comprising the protein of claim ~~142~~ 142. 82

~~220~~ 220 A Neutrokin- α multimer comprising the protein of claim ~~160~~ 160. 94

~~221~~ 221 A Neutrokin- α multimer comprising the protein of claim ~~178~~ 178. 106

~~222~~ 222 A Neutrokin- α multimer comprising the protein of claim ~~200~~ 200. 166

~~223~~ 223 A Neutrokin- α multimer comprising the protein of claim ~~307~~ 307. 177

~~420~~ 420 missing

	Claim		Date	
	final	original		
41	2 101	2 101	✓	
	2 102	2 102		
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	2 104	2 104		
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149	2 118	2 118		
150	2 119	2 119	✓	
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166	2 140	2 140	✓	
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168	2 146	2 146		
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169	2 148	2 148		
170	2 149	2 149	✓	

original
claim 310
not
allowed
in
NOA

	Claim		Date	
	final	original		
171	3 101	3 101	✓	
172	3 102	3 102		
173	3 103	3 103		
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197	3 138	3 138	✓	
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198	3 140	3 140	✓	
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	3 149	3 149		
	3 150	3 150	✓	

	Claim		Date							
	Final	Original	10	8						
	318	318	✓	✓						
199	319	319								
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203	323	323								
204	324	324								
205	325	325								
206	326	326	✓							
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	Claim		Date							
	Final	Original	10	8						
	371	371	✓	✓						
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	398	398								
	399	399								
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claim 430
missing
from specification

Notice of Allowability

Application No.

09/507,968

Examiner

Bridget E. Bunner

Applicant(s)

YU ET AL.

Art Unit

1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 16 July 2003.
2. ☒ The allowed claim(s) is/are 26-29, 31-41, 44-45, 48-61, 70-81, 83-86, 89, 93, 95-107, 116-125, 128, 132, 134-143, 146, 150, 152-161, 164, 168, 170-180, 186, 188-196, 205-213, 215, 225-231, 247-251, 260-273, 276, 280 and 282-290, 293, 297, 299-307, 314, 316-324, 333-341, 343, 352-359, 362, 366, 370, 374, 378, 382, 386, 390, 406, 410, 414, 424-430.
3. ☒ The drawings filed on 14 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ Including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ Including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>25</u> . | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

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